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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6
7 UNITED STATES OF AMERICA,
8 Plaintiff,
9 v.
10 HARJIT BHAMBRA,
11 Defendant.

Case No. [09-cr-01088-EMC-1](#)

**ORDER DENYING DEFENDANT'S
OBJECTION TO RESTITUTION
ORDER UNDER 18 U.S.C. § 3664**

Docket No. 253

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13 Defendant Harjit Bhambra objected to the restitution ordered as part of his sentence on
14 October 11, 2017, six years after it was entered on October 11, 2011. Bhambra's § 3664 objection
15 is untimely because it was not made within 14 days of the presentence report proposing restitution.
16 See Fed. R. Crim. 32(f)(1); 18 U.S.C. § 3664(c). Moreover, far from objecting, Bhambra in 2011
17 argued in favor of restitution over a long prison sentence. See Docket No. 165 at 3 ("His sentence
18 should take into consideration the fact that Mr. Bhambra will likely be ordered to pay a significant
19 amount of restitution. *The emphasis should be on restitution* and allowing Mr. Bhambra to return
20 to the community where he can work to meet his obligations." (emphasis added)). This belies his
21 assertion in his reply brief that he did not have an opportunity to contest the restitution amount.

22 To the extent Bhambra now requests "the court . . . set aside [the] judgment" underlying
23 the restitution order, the Court construes his request as a 28 U.S.C. § 2255 habeas petition and
24 denies it. A restitution order is not a serious restraint on liberty that warrants habeas relief, even if
25 the petitioner challenges the restitution order (and only the restitution order) while in custody. See
26 *Bailey v. Hill*, 599 F.3d 976 (9th Cir. 2010). Further, Bhambra previously filed a motion to set
27 aside the judgment of his conviction and sentence under Fed. R. Civ. P. 60 and a separate 28
28 U.S.C. § 2255 motion, both of which were denied. See Docket Nos. 225, 252. Thus, this motion

1 is “[a] second or successive motion [that] must be certified as provided in section 2244 by a panel
2 of the appropriate court of appeals.” 28 U.S.C. § 2255(h). Bhambra has not obtained the required
3 certification. Even if he had, the request would be untimely. *See* Docket No. 252 (explaining why
4 Bhambra’s previous habeas petition was untimely).

5 Accordingly, the request is **DENIED**.

6 This order disposes of Docket No. 253.

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IT IS SO ORDERED.

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10 Dated: October 26, 2017



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12 EDWARD M. CHEN
13 United States District Judge
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